

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE

Original

DENNIS SMITH
PLAINTIFF

V.

EX - POLICE CHIEF GUY D. BAYNARD,
INDIVIDUALLY AS AGENT OF
FRANKFORD TOWNSHIP

AND

FRANKFORD POLICE DEPARTMENT
AND

JESSE TRUITT, INDIVIDUALLY AND AS
COUNCILMAN AND POLICE
COMMISSIONER, AND AGENT FOR
FRANKFORD TOWNSHIP

AND

ALBERT OLIVER, INDIVIDUALLY AND
AS COUNCILMAN, AND AGENT FOR
FRANKFORD TOWNSHIP

AND

STEVEN C. BROUGHT, INDIVIDUALLY AND
AS FORMER COUNCILMAN PRESIDENT,
AND AS AGENT FOR FRANKFORD
TOWNSHIP

AND

KENNETH LYNCH, INDIVIDUALLY
AND COUNCILMAN AND AS AGENT FOR
FRANKFORD TOWNSHIP

AND

THOMAS W. ESENDER, INDIVIDUALLY
AND AS FORMER COUNCILMAN
PRESIDENT, AND AS AGENT FOR
FRANKFORD TOWNSHIP

AND

THEODORE ELSE, INDIVIDUALLY AND
AS COUNCILMAN, AND AS AGENT FOR
FRANKFORD TOWNSHIP

Case No. **98 - 00639 JJF**

"Federal Question(s)"
Illegally - Delayed

28 U.S.C.A. § 1331.

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 JUL 19 PM 3:28

DEFENDANTS

)
)

Re: 28 U.S.C.A. § 455(b)(1).

“ LETTER - 2 of MOTION ”

To; The Honorable Circuit Justice Hon. David H. Souter of the Supreme Elite {09}.

To; The Chief - Judge Hon. “Anthony J. Scirica,” of U.S. 03rd Circuit,.

To; Hon. “Gregory M. Sleet” Chief - Judge of the U.S. District of Delaware

This Letter is concerning Judge Joseph J. Farnan Jr.

FACTUAL STATEMENT

In reference to the Despotic - like, “ Conspiracy ” to again deny my civil libertie(s); This time (via) wrongful Intentional, conspiracy based Delay(s), of the current soon to be vehemently immediately constitutionally Replaced Hon. Judge Farnan,. Only, in the “ Sole, ” Interest, of JUSTICE,.

If Justice is delayed in Civ. Act. No. 98 - 639JJF, after August 05, 2007 and/or possibly before,. A, viable, bona fide “ **Extraordinary Writ of Mandamus**, will be Vehemently, “ Pendente lite, before the proper, { SITUS } , for “ INSTANT _ “ACTION, Here - Under; **28 U.S.C. § 1651(a). § 1331., § 1361. § 1657**, and other, relevant / pertinent Ferderalized Cognizable, explicit enactment(s). I, am a “ Black Man, / a “ Proud “ Native “ African American, **simply seeking JUSTICE, as a matter, of law,**.....

Urgent Manifest Factual Notice;

Please Take Legal Notice;

The town / township of Frankford, Del., is {Not}, legally immune here - under **42 U.S.C.A. § 1983**,. Nor my other initial viable proximate self - executing lethal cognizable Federal Question Justa Causa(s);

The U.S. Constitution. 11th Amendment does not protect nor, make immune Political - subdivision(s) of any State,. As a Matter of Law,.

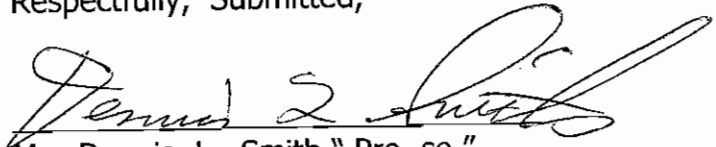
Counsel for defendant'(s) Bruce Heron has verbally admitted the vicarious liability of the Scottsdale Insurance Co, As well as the actual Tort - feasons, of the Town of " Frankford,. Mainly, former Ex-Police Chief Guy D. Baynard, who is " NO " longer, a Police Officer, in the State Of DELAWARE,.

Please Take Legal Notice;

My viable Pending imperative motion for Summary Judgment, is solely based on the fact, that a **Prima Facie Case** is on this docket. There are no pending Genuine issue(s), nor material fact(s), to convey. Please see also defendant(s) counsel affirmed liability, PLEASE See all Motions and/or letter filed on this date, **July 19, 2007**, and **Exhibits, if attached**.

DECEIVING A PRO SE

Respectfully, Submitted,

A handwritten signature in black ink, appearing to read "Dennis L. Smith", written over a horizontal line.

Mr. Dennis L. Smith "Pro se"
P.O. Box 311
Selbyville, Delaware 19975 - 0311

Date July 19, 2007

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
DELAWARE

DENNIS L. SMITH

Plaintiff,

vs.

EX – POLICE CHIEF GUY D.
BAYNARD, INDIVIDUALLY AND AS
AGENT OF FRANKFORD TOWNSHIP,
et al.,

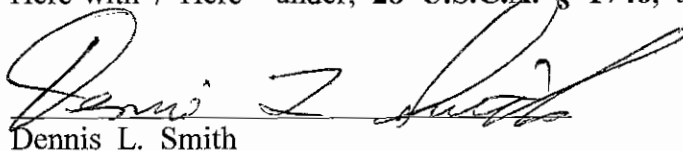
Defendants

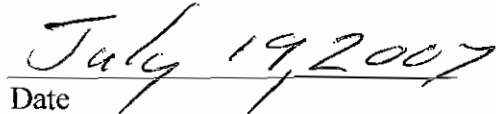
C.A. No. 98 – 00639 JJF

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

The, preceding - indelible truthful – statement(s) in the “**28 U.S.C.A. § 455(b)(1). LETTER 2 of Motion**” are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here – under; **28 U.S.C.A. § 1746**, and **18 U.S.C.A. § 1621**.


Dennis L. Smith


Date

CERTIFICATE OF SERVICE

I hereby certify that two true copies of the “**28 U.S.C.A. § 455(b)(1). LETTER 2 of Motion**” have been certified mailed or hand delivered on this 19 day of July 19, 2007, to defendants’ counsel and the following addresses:

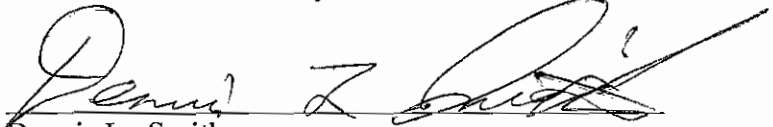
Judge Joseph J. Farnan, Jr.
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801 -3570
Hand Delivered

The Honorable Robert Daisey, Mayor
of the Town of Frankford
P.O. Box 550
#5 Main Street
Frankford, Delaware 19945
Certified Mail
7002 0460 0001 5101 7877

Mr. Bruce C. Herron esq.,
1220 North Market Street # 300
P.O. Box 25047
Wilmington, Del., 19899 - 5047
Hand Delivered

Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120
Certified Mail
7002 0460 0001 5101 7884

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.


Dennis L. Smith